

Quivira Mining Company

June 30, 1994

UPS Overnight Delivery
Tracking Number 1552 7553 725

Mr. John Lingo
Acting Director
Mining and Minerals Division
Energy Minerals and Natural Resources Department
2040 South Pacheco
Santa Fe, NM 87505

Re: **Site Assessment**
Quivira Mining Company
Section 35 Mining Operation

Dear Mr. Lingo:

Pursuant to the New Mexico Mining Act Section 69-36-5 NMSA 1978, please find attached the Site Assessment for Quivira Mining Company's Section 35 mining operation describing the permit area, hydrology, geology, accumulated waste, impact on local communities, wildlife, and design limits for the mining operation. The site assessment has been formatted to correspond to the order provided within the statute.

Quivira has designated a proposed permit area based on the fee schedule adopted by the New Mexico Mining Commission on June 17, 1994. Quivira reserves the right to modify the proposed permit area if the fee schedule should be modified by the Commission prior to December 31, 1994.

The submittal of this site assessment by Quivira Mining Company does not alter Quivira's contention as presented during the May 12, 1994 New Mexico Mining Commission hearings, that uranium mines may not be subject to the New Mexico Mining Act pursuant to the definition of "Mineral" and/or "Mining" because uranium is a commodity, byproduct material or waste that is regulated by the Nuclear Regulatory Commission (NRC) and/or involves the extraction, processing or disposal of same or of activities regulated by NRC; and also because of the extensive federal and state duplicative regulations and preemption of regulatory power over uranium and over the above listed activities. With this submittal,

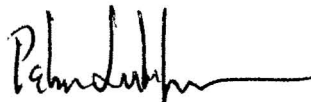
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Quivira does not waive or prejudice its position that its operations may be excluded from the applicability of the Act.

If you have any questions, please call me at (505) 287-8851.

Regards,

QUIVIRA MINING COMPANY

A handwritten signature in black ink, appearing to read 'Peter Luthiger', with a long horizontal flourish extending to the right.

Peter Luthiger
Supervisor, Radiation Safety
and Environmental Affairs

Attachment: As Stated

xc: B. Ferdinand
T. Fletcher
M. Freeman
G. Ross